

Opinion No. 13-1111

September 26, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Mr. C. W. Goebel, Belen, N. M.

CHIROPRACTIC.

Persons desirous of practicing chiropractic must obtain license from State Board of Health.

OPINION

{*286} I have received your letter of yesterday enclosing another from the National School of Chiropractice, which is not so written as to commend itself to the approval of any judicious mind. It is difficult for me to give any opinion as to the letter of the Secretary of the Medical Board, as I have not seen it, but I am quite sure that it would not justify the statement that he "does not know what he is talking about." I will not say that the writer of your letter from the National School of Chiropractice does not know what he is talking about, but I am quite sure that the opinion he expresses as to constitutional law is erroneous and misleading. He evidently has not examined the New Mexican statute on the subject of the practice of medicine, or he would not say that "Chiropractice is not the practice of medicine in any sense whatsoever."

Section 7 of Chapter 34 of the Laws of 1907 defines practice of medicine and covers any method of treating the sick and the use of "any drug, medicine, appliance or other agency, whether material or not material," with a view to receiving any compensation therefor. Your correspondent is correct in saying, in substance, that until our legislature authorized the practice of Osteopathy the Secretary of our Board of Health would have said the same thing of that art of healing that he now says of Chiropractice and he would have been correct.

I am unable to see how any person can practice the art of healing or treating the sick in any manner whatsoever, as a business, without complying with our statute and obtaining a license from the State {*287} Board of Health. He must demonstrate his fitness to receive such a license in accordance with the provisions of our laws, and he may use any method of healing or treating the sick which would not subject him to a charge of unprofessional conduct. Such statutes have been upheld by the courts whenever they have been questioned, and even by the Supreme Court of the United States.

I return herewith the letter which you enclosed with yours.

Chicago, Ill., September 22, 1913.

C. W. Goebel,

Belen, N.M.

Dear Student:

We hereby return the letter of the Secretary of the Medical Board, and wish to state right at the beginning that the secretary does not know what he is talking about when he says that Chiropractice cannot legally be practiced.

Any cross-roads lawyer can inform him that there can be no such thing on the statute books of any state in the Union, forbidding the carrying on of a certain line of healing.

The state can regulate the practice thereof, but it can never forbid it for that is against the constitution.

We prove to you the correctness of our statement by the letter of the secretary, for in that letter he states that Osteopaths can obtain license from the Board of Osteopathy.

We are sure that if this letter had been written ten years ago, or even five years ago, this secretary would have said the same thing of Osteopathy, that he is now saying of Chiropractice.

Now the facts are that there is no regulation of Chiropractice on the statute books of your state. Furthermore, Chiropractice is not the practice of medicine in any sense whatsoever. And most important of all, it has been again and again proven by court decisions, that a jury will not take the view of the secretaries of Medical State boards. The plain truth is that if you can help your fellow human beings, and stick right to your own line of work, without giving the impression that you are a Doctor of Medicine, and without making yourself obnoxious to the other doctors, you ought to have no difficulty whatsoever. It is not your fault that your state has no provision for Chiropractic, and as long as this method of healing has nothing upon the statute books either for or against this work, we cannot see why it could not be carried on.

It might be a good idea to write to the Attorney General of your State, and get his opinion on this matter.

Truly yours,

THE NATIONAL SCHOOL OF CHIROPRACTIC.

A. Vorster.